

**RECEIVED
CENTRAL FAX CENTER****SEP 08 2004**Docket No.: 00152-00267-US
FRIEL-104(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Provisional Application of:
Tom Long, et al.

Conf. No.: 8519

Application No.: 10/774,329

Group Art Unit: 3742

Filed: February 5, 2004

Examiner: Not Yet Assigned

For: APPARATUS FOR BREWING BEVERAGES**RENEWED PETITION UNDER 37 CFR 1.182**MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a renewed petition under 37 CFR 1.182 following the decision dismissing the original petition. The original petition sought the accordane of a filing date of February 5, 2004, which was the date that the above identified application was filed. A Notice of Omitted Items was mailed on May 7, 2004, indicating that Figures 15 and 16 had been omitted. The original petition under 37 CFR 1.182 submitted evidence, namely a postcard acknowledging receipt of the six sheets of drawings on February 5, 2004 and stated that Figures 16 and 16 were present on the 6th sheet of those drawings.

In the DECISION DISMISSING THE PETITION mailed August 25, 2004, it was held that the evidence was convincing. The petition, however, was dismissed because applicants failed to submit the one sheet of drawings containing Figures 15 and 16. This was the sole reason for the dismissal.

It is not understood why it was concluded that the prior petition did not also submit the sheet of drawings containing Figures 15 and 16. Apparently the sheet of drawings became detached from the petition after receipt in the PTO mailroom. In that regard, as evidenced by the

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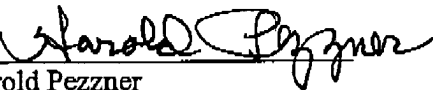
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attached postcard stamped by the PTO on May 24, 2004, the petition did include the one sheet of drawings. As such, the petition should not have been dismissed. In any event, attached to this renewed petition is a further copy of the sheet of drawings containing Figures 15 and 16. Since the submission of these drawings should now comply with what was considered the only deficiency in the original petition this renewed petition should be granted.

If any fee is required for this petition the Commissioner is authorized to charge Deposit Account No. 03-2775 for such fee. If it is determined that the original petition did include the sheet of drawings for Figures 15 and 16, no fee should be required for this renewed petition or it is requested that the fee for this renewed petition be refunded.

Dated: September 8, 2004

Respectfully submitted,

By 

Harold Pezzner

Registration No.: 22,112

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Application No. (if known): 10/774,329

Attorney Docket No.: 00152-00267 (FRIEL-104)

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail, postage prepaid in an envelope addressed to and faxed to (703) 872-9306:

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on September 8, 2004
Date


Signature

Shirley E. Brooks
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Renewed Petition to be Accorded Filing Date

Serial/Intf. No.: 10/774,329 Docket No.: Friel-104 Atty: HP/scb
 Names: T. Longstad
 Title: Representative

The following, due 6-7-04 in the U.S. Patent Office, has been received there on the date stamped hereon.

- | | |
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| <input type="checkbox"/> Declaration or <input type="checkbox"/> Oath | <input type="checkbox"/> Check(s) _____ |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Amendment or Response |
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| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Brief |
| <input type="checkbox"/> Assignment/Cover Sheet | <input type="checkbox"/> CPA/DIV/CIP |
| <input checked="" type="checkbox"/> Drawing(s) <u>1</u> sheet(s) | <input type="checkbox"/> Extension of Time |
| <input type="checkbox"/> Priority Document(s) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Disclosure Statement (Rule 56/97) | <input type="checkbox"/> Prelim. Statement <input type="checkbox"/> Motion |
| <input type="checkbox"/> PTO 1449 w/reference(s) | <input type="checkbox"/> Letter |
| <input type="checkbox"/> PTO 1533 Submission of Missing Parts | <input checked="" type="checkbox"/> Notice of Missing Parts |
- CB307 1/88 OD
 ✓ Petition to be Awarded Filing Date ✓ Copy of Poster. &
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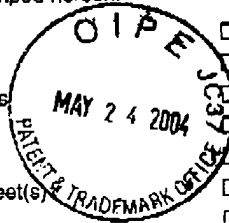


Fig. 15.

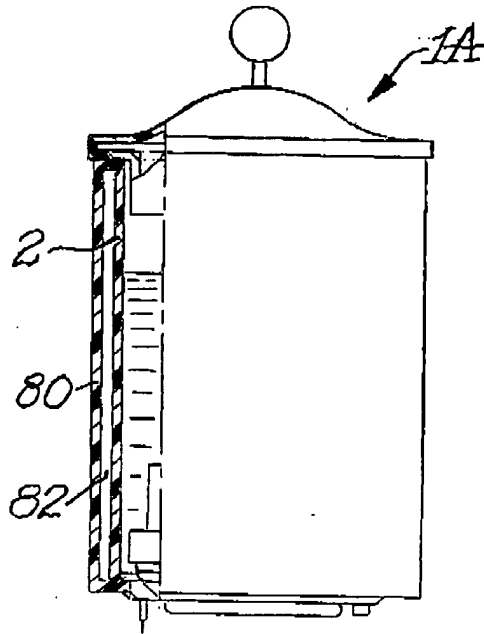


Fig. 16.

